

Before you go, WHERE you are headed matters:

- When you apply for employment outside of state government, you may state the fact that you hold or held a particular position or office in state service on an application for employment, a resume, or Curriculum Vitae. You are free to state that you gained certain skills or certifications while in state service.
- You shall not seek personal employment or contracting services by the use of your office or position. For instance, you cannot make promises for action or inaction by the state in exchange for a pledge by a future employer to hire you.
- If you apply for a job with a person or business that does business with or is regulated by your agency in matters that you are directly involved regarding the prospective employer, you must first abstain from direct involvement in matters regarding the prospective employer **AND** disclose in writing to your supervisors that you are abstaining **BEFORE** entering into any form of negotiations for future employment with that employer.

Source: 9 KAR 1:025

NOTE: “Negotiate” means you have been offered the job and you are about to have discussions about salary and start date.

After leaving state employment:

ALL PUBLIC SERVANTS

YOU SHALL NOT WITHIN ONE YEAR OF LEAVING EMPLOYMENT:

1. Act as a lobbyist for OR
2. Represent a person or business in matters in which you were directly involved during the last 3 years of your tenure.

Source: KRS 11A.040(8) & (9)

You can immediately go work for another state or federal agency, a local county or city government, a local health department, or a public university with no post-employment restrictions.

Source: KRS 11A.120, KRS 11A.130 and Advisory Opinion 16-04.

OFFICERS ONLY

IF YOU ARE AN OFFICER, WITHIN ONE YEAR OF LEAVING EMPLOYMENT:

RULE #1: You shall not by yourself or through any business in which you own at least 5% or by any other person for your use or benefit

- undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part
- any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by
- the agency by which you were employed.

This provision shall not apply to:

1. A contract or purchase relating to eminent domain;
2. To entitlement programs agreements;
3. To purchases that are available to the public or at public auction; or
4. To former officers of the DPA who continue to represent clients.

Source: KRS 11A.040(6)

RULE #2: You shall not

- accept employment, compensation, or other economic benefit
- from any person or business
- that contracts or does business with, or is regulated by, the state
- in matters in which you were directly involved during the last 3 years of your tenure.

This provision shall not prohibit you from:

- Returning to the same business, firm, occupation, or profession in which you were involved prior to working for the state; or
- Working in a profession for which you received a degree or license prior to your state employment

provided that you personally refrain from working on any matter in which you were directly involved during the last 3 years of your state tenure.

This provision does not prohibit the performance of ministerial tasks or the receipt of entitlement funds.

Source: KRS 11A.040(7)

STATEMENT OF FINANCIAL DISCLOSURE

An Officer shall file the Statement for the portion of the calendar year that the officer served within 30 days of termination from state service.
Source: KRS 11A.050

DEFINITIONS:

"Does business with" or **"doing business with"** means

- contracting,
- entering into an agreement,
- leasing, or
- otherwise exchanging services or goods with a state agency

in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement.

"Represent" means to

- Attend an agency proceeding;
- Write a letter; or
- Communicate with an employee of an agency on behalf of someone else.

"Directly involved" means to work on personally or supervise someone who works on personally.

"Matter" means any measurable case, litigation, decision, grant, proceeding,

application, determination, contract, claim, investigation, charge, or legislative bill.

"Business" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted, whether or not for profit.

"Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert.

Sources: KRS 11A.010 and 9 KAR 1:025.

ADDITIONAL CONSIDERATIONS:

Retirees: Must abide by the 3-month Rule. Consult with Kentucky Retirement Systems.

Attorneys: Must abide by the Rules of Professional Responsibility. See Supreme Court Rules.

POST-EMPLOYMENT

THINGS TO CONSIDER BEFORE YOU LEAVE STATE GOVERNMENT

Commonwealth of Kentucky
EXECUTIVE BRANCH ETHICS COMMISSION
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, KY 40601
(502) 564-7954
FAX: (502) 695-5939
<https://ethics.ky.gov>

This guide was prepared by Kentucky's
EXECUTIVE BRANCH ETHICS COMMISSION
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